

IN THE MATTER OF THE APPLICATION OF MICHAEL E. MABRY, ET UX FOR A VARIANCE OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF GLENCOE ROAD AND DARLINGTON DRIVE (2501 GLENCOE ROAD) 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

BEFORE: COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 89-133-A

OPINION

This matter comes before this Board on an appeal from the Zoning Commissioner's denial of a variance permitting a front yard setback of 29 feet in lieu of 34.6 feet and a corner lot side setback of 21 feet in lieu of 25 feet.

Dr. Michael Mabry testified that the property was purchased in 1993 and currently exists in the same condition as when purchased. The portion of the property (dwelling) necessitating a variance was added by a previous owner in 1975.

Exhibits presented on behalf of Dr. Mabry indicated that the removal of the existing portions of the dwelling would create a practical difficulty for the Petitioner. This difficulty would be the cost of said removal, the diminution of the property's value and the lessening of the dwelling's living area.

There were no protestants at this hearing.

Therefore, the Board finds as a matter of fact that the Petitioner has shown that strict compliance would render compliance unnecessarily burdensome, that substantial injustice would result unless relief is granted and that the spirit of the ordinance will be observed and the public safety and welfare is secured.

Case No. 89-133-A
Michael E. Mabry, et ux

ORDER

For the foregoing reasons, it is this 11th day of May, 1989 by the County Board of Appeals of Baltimore County ORDERED that a variance permitting a front yard setback of 29 feet in lieu of the required 34.6 feet and a corner lot side setback of 21 feet in lieu of the required 25 feet be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
Arnold G. Foreman
John G. Disney

IN RE: PETITION FOR ZONING VARIANCE NW Corner Glencoe Road and Darlington Drive (2501 Glencoe Road) 9th Election District 6th Councilmanic District Michael E. Mabry, et ux Petitioners

BEFORE THE: ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 89-133-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 29 feet in lieu of the required 34.6 feet and a corner lot side setback of 21 feet in lieu of the required 25 feet for existing improvements as more particularly described in Petitioner's Exhibits 1 and 2.

The Petitioners, by Leonard Gilbert, their Power of Attorney, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2501 Glencoe Road, is zoned R.C. 5.5 and is improved with a single family dwelling. Testimony indicated that the Petitioners purchased the subject property in 1983 and that at that time it was revealed the property did not meet current front and side yard zoning setback requirements. Petitioners did not file the instant petition until August, 1988. By letter dated October 9, 1988 from the Petitioners, this office was advised that they would be out of town on the scheduled date and that they had appointed Mr. Gilbert as their power of attorney to represent them at the hearing. Mr. Gilbert was unable to testify as to the need for the variances requested and the practical difficulty and/or hardship which might be realized by the Petitioners without the requested variances.

ORDER RECEIVED FOR FILING
Date 11/11/89
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/11/89
By [Signature]

An area variance may be granted when strict compliance with the zoning regulations would cause practical difficulty to the Petitioner and his property. Melton v. City of Baltimore, 245 Md. 708 (1974). In cases of practical difficulty for an area variance, the petitioner must meet the following:

- 1) whether strict compliance with regulations would unreasonably prevent the use of the property for a permitted purpose or make maintenance substantially burdensome;
- 2) whether the point would be substantial, in relation to applicant, as well as other property within the district or whether a lesser restriction in the specified use would create substantial practical difficulty;
- 3) whether relief can be granted in such a way that the spirit of the ordinance will be observed and public safety and welfare be secured.

Andrew W. Bl. of Appeals, Law of Maryland, 2nd Ed. (1975).

After the Petitioners filed the testimony and exhibits presented, there is substantial evidence to show a need for the variances. There would experience practical difficulty or unreasonably burdensome if the requested variances were denied. There was insufficient evidence to show that compliance would unreasonably prevent the use of the property for a permitted purpose or make maintenance substantially burdensome. Therefore, the variances requested will be granted.

Pursuant to the aforementioned findings of the Board, the public hearing on this petition held, and for the reasons set forth, the relief requested should be granted.

WHEREFORE, the Board of Appeals of Baltimore County, the Board of Appeals of Baltimore County, on this 11th day of May, 1989, that the petition be granted.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-133-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 303.1.1, 1802.3.B (211.3) To allow a front setback of 29 ft. and a corner lot side setback of 21 ft. in lieu of the required 34.6 ft. front yard average and 25 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

ry is to be posted and advertised as prescribed by Zoning Regulations.

ve, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and to be bound by the zoning regulations and restrictions of County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Petitioner: [Signature]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Signature]
Attorney's Telephone No.: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 13th day of October, 1988, at 2 o'clock P.M.

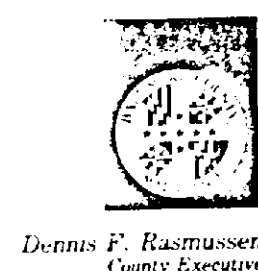
ORDER RECEIVED FOR FILING
Date 11/11/89
By [Signature]

PRINTED LENGTH OF HEARING: 10:00 A.M. - 1:00 P.M. (over)
ALL OTHERS: 1:00 P.M. - 4:00 P.M.
REVIEWED BY: [Signature] DATE: 11/11/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner for Baltimore County

October 25, 1988



Dr. & Mrs. Michael E. Mabry
2501 Glencoe Road
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE NW/Corner Glencoe Road and Darlington Drive (2501 Glencoe Road) 9th Election District - 6th Councilmanic District Michael E. Mabry, et ux - Petitioners Case No. 89-133-A

Dear Dr. & Mrs. Mabry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3331.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for Baltimore County

JRH:bjs

cc: Mr. Leonard Gilbert
Browne, Worrall & Johnson, Inc.
2435 N. Calvert Street
Baltimore, Maryland 21218

People's Counsel

File

Variance to permit a front yard setback of 29 feet in lieu of the required 34.6 feet and a corner lot side setback of 21 feet in lieu of the required 25 feet for existing improvements as more particularly described in Petitioner's Exhibits 1 and 2, be and is hereby DENIED.

J. Robert Haines
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/11/89
By [Signature]

APP #: 195730-B
PROPERTY: 2501 Glencoe Road

THE UNDERSIGNED, purchasers and/or loan borrowers of the captioned property, hereby acknowledge that I/we have been given a copy of the attached survey and that I/we have been advised by the closing agent, at a time no later than final settlement, that an owner's policy of title insurance, issued by Monumental Title Corporation, would contain exceptions regarding the following matters:

- 1) Subject to the location of the house, appurtenant to the insured premises, located beyond the 25' building restriction line as shown on plat of survey by McKee & Associates, dated December 17, 1986.
- 2) Subject to the location of the house, appurtenant to the insured premises, which is located beyond the 30 foot setback line, as set forth on that Plat entitled "RESUBDIVISION, PART OF SECTION A, HANFORD PARK", which Plat is recorded among the Land Records of Baltimore County in Plat Book No. 16, folios 104, 105, and 106.
- 3) Subject to the location of the chain link fence, appurtenant to the insured premises, located in the 10 foot right of way for sanitary sewer along the northern property line, as shown on plat of survey by McKee & Associates, Inc., dated December 17, 1986.
- 4) Subject to the location of the chain link fence, wood shed, and concrete pad, appurtenant to the insured premises, located in the 7.5 foot drainage easement along the western property line as shown on plat of survey by McKee & Associates, Inc., dated December 17, 1986.

Witness: [Signature] Michael E. Mabry
[Signature] HELEN C. MABRY

AS SWORN TO and subscribed before me this 17th day of February, 1987.

My Commission Expires: July 1, 1990.



Attached to and made a part of a Deed of Trust from MICHAEL E. MABRY and HELEN C. MABRY, husband and wife, to the Trustees for MARYLAND NATIONAL MORTGAGE CORPORATION.

SCHEDULE "A"

BEING KNOWN AND DESIGNATED as Lot No. 1, Block 36 as shown on a Plat entitled, "Resubdivision of Part of Section A, HARFORD PARK", which Plat is recorded among the Land Records of Baltimore County in Plat Book RRG 30, folio 72 (erroneously referred to as GLB 16, folios 104, 105 and 106). The improvements thereon being known as No. 2501 Glencoe Road.

SAVING AND EXCEPTING therefrom so much thereof as was conveyed by Deed from Henry W. Foster, et al, to Nicholas B. Mangione and wife by Deed dated April 21, 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4467 folio 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1988, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 1988, 1988.

THE JEFFERSONIAN,

S. Zebe Orleans

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 89-133-A NW/Cor Glencoe Road and Darlington Drive (2501 Glencoe Road) 9th Election District 6th Councilmanic District

Variance to allow a setback of 29 ft. and a corner lot side setback of 21 ft. in lieu of the required 34.6' and 25' respectively. In the event that the Petitioner is granted a building permit, the Petitioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
9/21 Sept 15



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3182 887-3182

HEARING ROOM -
Room 301, County Office Building

January 26, 1989

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-133-A

MICHAEL E. MABRY, ET UX
NW/Cor Glencoe Road and Darlington Drive
(2501 Glencoe Road)

9th Election District
6th Councilmanic District

VAR -Front setback of 29' and corner lot side setback of 21' in lieu of required 34.6' and 25' respectively

10/25/88 -Z.C.'s Order that Petition for Variance is DENIED.

ASSIGNED FOR: WEDNESDAY, MAY 3, 1989 at 10:00 A.M.

cc: E. David Silverberg, Esquire Counsel for Appellants /Petitioners
Dr. & Mrs. Michael E. Mabry Appellants /Petitioners

People's Counsel for Baltimore County

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk -Zoning

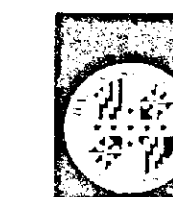
Arnold Jablon, County Attorney

Kathleen C. Weidenhamer
Administrative Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

December 8, 1988



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/Cor Glencoe Road and Darlington Drive
(2501 Glencoe Road)
9th Election District, 6th Councilmanic District
Michael E. Mabry, et ux - Petitioners
Case No. 89-133-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 23, 1988 by E. David Silverberg, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:cer

Enclosures

cc: Dr. & Mrs. Michael E. Mabry
2501 Glencoe Road, Baltimore, Md. 21204

E. David Silverberg, Wase, Lyons, & Fedock, P.A., RCM & D Building
Suite 200, 555 Fairmount Avenue, Towson, Md. 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-133-A

District: 9th Date of Posting: 12/16/88

Posted for: Michael E. Mabry, et ux

Petitioner: Michael E. Mabry, et ux

Location of property: NW/Cor Glencoe Rd. & Darlington Dr. Bldg.

2501 Glencoe Rd.

Location of Sign: Facing Glencoe Road, corner 12th St. No. 2501

Remarks: Property of Petitioner

Posted by: [Signature] Date of return: 1/16/89

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1988, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 1988, 1988.

THE JEFFERSONIAN,

S. Zebe Orleans

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case number: 89-133-A NW/Cor Glencoe Road and Darlington Drive (2501 Glencoe Road) 9th Election District 6th Councilmanic District

Variance to allow a setback of 29 ft. and a corner lot side setback of 21 ft. in lieu of the required 34.6' and 25' respectively. In the event that the Petitioner is granted a building permit, the Petitioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
9/21 Sept 14

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-133-A

District: 9th Date of Posting: 12/16/88

Posted for: Michael E. Mabry, et ux

Petitioner: Michael E. Mabry, et ux

Location of property: NW/Cor Glencoe Rd. & Darlington Dr. Bldg.

2501 Glencoe Rd.

Location of Sign: Facing Glencoe Road, corner 12th St. No. 2501

Remarks: Property of Petitioner

Posted by: [Signature] Date of return: 1/16/89

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 9/22/88



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
Case Number: 89-133-A

Dear Mr. & Mrs. Mabry:

Please be advised that \$20.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND No. 89-133-A
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10/13/88 ACCOUNT: 89-133-A

AMOUNT: \$ 20.00

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

WASE, LYONS & FEDOCK, P.A.

JOSEPH I. WASE
JOSEPH S. LYONS
MICHAEL I. FEDOCK III
E. DAVID SILVERBERG
FRANCIS D. DMLRO
STACY L. BOWEN SIEGEL

RCM & D BUILDING, SUITE 200
555 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21204
(301) 583-8300

November 16, 1988

Mr. J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
2501 Glencoe Road
89-133-A

Dear Mr. Haines:

I represent Dr. and Mrs. Michael E. Mabry. They have retained me to appeal from the adverse decision in the referenced case rendered on October 25, 1988. My clients' check for \$90, payable to the Office of Finance is enclosed.

If there is any particular form for an appeal to be noted, please advise me as soon as possible.

Very truly yours,

E. David Silverberg

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11/16/88 ACCOUNT: 89-133-A

AMOUNT: \$ 90.00

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-133-A
NW/Cor Glencoe Road and Darlington Drive
(2501 Glencoe Road)
9th Election District - 6th Councilmanic
Petitioner(s): Michael E. Mabry, et ux
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 2:00 p.m.

Variance to allow a front setback of 29 ft. and a corner lot side setback of 21 ft. in lieu of the required 34.6' foot front yard setback and 25 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Mabry
JRH

89-133-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
24th day of August, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Petitioner: Michael E. Mabry, et ux
Petitioner: Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 3, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Michael E. Mabry
2501 Glencoe Road
Baltimore, Maryland 21234

RE: Item No. 54 - Case No. 89-133-A
Petitioner: Michael E. Mabry, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Mabry:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Michael E. Mabry, et ux
Location: NW/4 Glencoe & Darlington Dr.,
2501 Glencoe Road
Item No.: 54

Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEPTS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

NOTED & APPROVED:
REVIEWER: *John F. O'Neill*
Planning Group
Special Inspection Division
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines
Zoning Commissioner
Date: October 14, 1988

From: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-133-A (Price); 89-132-A (Bowling); and 89-133-A (Mabry)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/sf

RECEIVED BY: Pat Keller
DATE: 10/14/88

CPS-008

File

October 7, 1988

Mr. J. Robert Haines
Zoning Commission
111 W. Chesapeake Ave.
Room 109
Towson, MD 21204

Michael & Helen Mabry
602 South Lang Avenue
Pittsburgh, PA 15208
412-371-5975

RE: Petition for Zoning Variance
Case Number: 89-133-A
Property at 2501 Glencoe Road

Dear Commissioner Haines:

Due to my responsibilities at the University of Pittsburgh Medical School, and my wife's responsibilities at the Carnegie-Mellon School of Architecture, we will be unable to travel to Baltimore next week. We will be represented at the Zoning Commission meeting of October 13th, 1988 by Mr. Leonard Gilbert. Mr. Gilbert currently lives at 2501 Glencoe Road.

We have provided him with documents, and maps pertaining to our variance request for our property at 2501 Glencoe Road. He also has our \$90 check for the variance signs which are to be returned prior to this Zoning Commission hearing. He will also carry our "Power of Attorney" to act on our behalf in regard to this petition for a zoning variance.

We discovered this problem at the closing on this house in 1980. Apparently the front set-back line was declared after this house was complete many years ago. This created a retroactive encroachment of the front set-back line by the front porch. The previous owner, Ms. Laura Hetrick, made a number of improvements to the house. We have not created any further encroachments.

We are petitioning for a zoning variance not for any new construction, but instead for acknowledgement of long-standing encroachments we inherited from the previous owner.

We will gladly provide any further information that we have at our disposal. I can be reached at 412-648-3190 during business hours.

Sincerely,
Michael E. Mabry, M.D.
Michael E. Mabry, M.D.

APPEAL

Petition for Zoning Variance
NW/Corner Glencoe Road and Darlington Drive
(2501 Glencoe Road)
9th Election District - 6th Councilmanic District
MICHAEL E. MABRY, ET UX, - Petitioner
Case No. 89-133-A

VARIANCE - Fmt. setback of 29' and corner lot side setback of 21' in lieu of the req. 34.6' fnt. and 25' respectively.

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)
Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None Submitted)
Petitioner's Exhibits: 1. Plat for Zoning Variance
2. Location Survey
3. Copy of partial record plat
4. Copy of Dr. & Mrs. Mabry's consent of Mr. Leonard Gilbert as personal representative
5. Copy of Limited Power of Attorney

Zoning Commissioner's Order dated October 25, 1988 (Denied)

Notice of Appeal received November 23, 1988 from E. David Silverberg, Attorney on behalf of the Petitioner.

cc: Dr. & Mrs. Michael E. Mabry - 602 S. Lang Ave., Pittsburgh, Pa.
412-371-5975
E. David Silverberg, Wase, Lyons, & Pedock, P.A., RCM & D Building
Suite 200, 555 Fairmount Avenue, Towson, Md. 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk